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E.O. 12958: N/A
TAGS: [PHUM](#) [PREF](#) [ASEC](#) [SMIG](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [NZ](#)
SUBJ: TRAFFICKING IN PERSONS - NEW ZEALAND 2/2007

REF: 07 STATE 2731

¶1. (SBU) Following are responses for the Trafficking in Persons report for New Zealand, keyed to reftel:

Begin Responses

¶27. Overview of a country's activities to eliminate trafficking in persons:

-- A. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

There is no evidence that New Zealand (NZ) is a country of origin or transit in transnational trafficking. There is information that NZ is a country of destination however, and that some domestic trafficking exists, though the total number of trafficked victims (both transnational and domestic) is estimated to be small.

There is no hard evidence (victim interviews, arrests, convictions, etc.) to support a precise determination of the number of such victims. However, based on information gleaned from law enforcement authorities and the Prostitution Law Reform Committee (PLRC), Post estimates the number of transnational victims entering New Zealand each year is less than 100, primarily Asian women engaged in the legal sex industry.

The number of domestic trafficking victims is also small (estimated to be less than 100), and consists of underage sex workers, and

Asian migrants working in the agricultural sector.

Estimates on TIP information in New Zealand are derived from the Department of Labour, the New Zealand Customs Service, the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the New Zealand Police, the Department of Prime Minister and Cabinet, the Ministry of Health, the Ministry of Social Development, the Ministry of Women's Affairs, the media, and from non-governmental organizations (NGOs) working in the field.

No comprehensive figures and agreed-upon statistics on the extent of trafficking within NZ exist at the present time, although some surveys have been done. The Prostitution Law Review Committee (PLRC), established with the adoption of the Prostitution Reform Act (PRA) in 2003, is tasked with issuing a five-year report on the status and effectiveness of the PRA. The PLRC's final report is due later in 2008. In addition, the government-proposed National Plan of Action to Prevent Trafficking in Persons (NPA) will, among other things, expand government monitoring and assessment efforts.

With regard to the persons most at risk for transnational trafficking, the government and NGOs agree that Asian women have the greatest risk of being trafficked into New Zealand, primarily for prostitution. With regard to domestic trafficking, the persons most at risk are young NZ women (under 18 years) engaged in the commercial sex industry and low-skilled, illegal migrant men and women working in the agricultural sector.

In 2007, the New Zealand Prostitutes Collective (NZPC) concluded a nationwide survey of commercial sex workers and brothels. The survey was conducted at the request of the PLRC in support of the Committee's final report. The results of the NZPC survey have not yet been publicly released, but were shared with Post.

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According to NZPC's polling and interview data, the present number of underage sex workers in NZ is much smaller than the figure of 200 announced by the PLRC in 2004. NZPC estimated that there were, within the last year, approximately six to 12 underage sex workers in Auckland, three in Wellington, and three in Christchurch. There may be underage prostitutes in other NZ cities, but most prostitution occurs within the three cities mentioned.

NZPC states that some of those underage sex workers have now left the business and have been referred to local social service agencies. NZPC believes its numbers are accurate, as both prostitutes and brothel managers were forthcoming about underage participation and work willingly with NZPC and authorities in order to deter younger participants and avoid undue police scrutiny of their legal activities. However, the NZPC study, which only contacted brothel managers and prostitutes working in brothels, may not fully take into account the number of underage sex workers who are involved in street prostitution.

ECPAT (Eliminate Child prostitution, Pornography And Trafficking - an NGO engaged in anti-trafficking efforts relating to children) says that it has no reliable data concerning the number of underage prostitutes in NZ. ECPAT agreed, however, that the numbers in Auckland, Wellington and Christchurch would total less than 100 individuals. Both the NZPC and Stop Demand (an anti-prostitution NGO) noted that many underage individuals often frequent red light districts and are assumed to be involved in sex work, but these NGOs' experience is that only a few of the children are actually engaged in prostitution.

According to the Mangere East Family Center (MEFC) in Auckland, the number of underage sex workers in that community is less than 20, and those youth engage in prostitution on an episodic basis rather than on a full-time basis. In addition, the MEFC points out that, based on its experience, detecting underage sex workers is made more difficult by the popularity of cellular phone texting. Almost all underage sex workers, according to MEFC, are street workers rather than being located within a brothel. These sex workers are able to arrange meetings with clients without making contact in public areas (at least after the initial contact).

The Iosis Family Center (IFC) in Auckland, which has worked with underage sex workers for several years, estimated that number of "hard core" underage prostitutes in Auckland is low, though the number of young girls who occasionally engage in prostitution is larger. According to the IFC, girls in the latter group do not consider themselves to be prostitutes, as they engage in such activity only on holidays or whenever they desire some extra money.

Some insight can be gained from the results of police operations. In January 2008, police conducted a sweep for underage persons working in the red light district of Auckland, following six weeks of intelligence gathering. The operation resulted in 25 arrests, of which 16 youths under age 18 were allegedly engaged in offering commercial sexual services. According to police, some were living in gang homes where they were controlled by pimps who exchanged sex for accommodation, food and drugs. Charges in this case remain pending.

In November 2007, the Department of Labour and police simultaneously raided nine massage parlors in Auckland, Wellington and Christchurch looking for foreign nationals and underage persons illegally engaged in prostitution. Seven of the establishments contained foreign nationals working unlawfully as prostitutes (from Hong Kong and China with visitor or student visas). No underage sex workers were discovered. Interviews of the violators failed to reveal evidence of trafficking, and those working illegally were immediately deported. Interviews also indicated that the principal motivation was financial - i.e., to assist their families or support their studies in NZ. They controlled their earnings, held their travel documents and resided independently from the business until their departure from New Zealand.

In January 2006, a police sweep for underage sex workers in the red
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light district of Christchurch yielded four persons under age 18. There was no indication that the persons were engaged in prostitution.

-- B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). (Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

The trafficking situation in NZ has not changed significantly since the previous report or over the past several years, with no changes in the direction or the type of trafficking. Notable in the reporting period, however, is the increase in law enforcement activity directed at foreign nationals and underage youth engaged in prostitution, as well as associated judicial activity. These efforts reflect growing intra-governmental consultation in development of the National Plan of Action, which has heightened awareness of TIP-related issues and prompted a good level of outreach and contact with NGOs.

In the past, source countries of trafficked individuals have included Thailand, China, and other Asian countries. NZPC confirms that at the present time, most illegal immigrants engaging in prostitution come from Thailand, mainland China, Hong Kong and Taiwan. However, it notes that it is difficult to determine which of those illegal immigrants, if any, have been trafficked. In interviews with illegal sex workers prior to their deportation, according to NZPC, they appear to have participated in prostitution

voluntarily, without coercion or abuse, and they did not consider themselves trafficking victims. The primary destination of illegal immigrants engaged in commercial sex work is usually Auckland, New Zealand's largest city.

Commercial sexual exploitation of children has been and continues to be a facet of New Zealand's sex industry, but it appears that is not as large a problem as once believed. Nevertheless, as mentioned above, it has been the subject of increased focus among governmental and non-governmental organizations, and increased enforcement efforts by the New Zealand Police.

The government does devote considerable resources and effort to address trafficking in persons. While the government's definition of "trafficking" does not coincide with that of the USG, the NZ government does both condemn and use other laws to eliminate the exploitation of children and adults. However, NGOs complain that the government is not aggressive enough in its enforcement of laws governing the commercial sex industry, where much of the potential trafficking occurs.

Following is a summary of recent or ongoing government actions intended to combat trafficking:

-- An Interagency Working Group (IWG), chaired by the Department of Labour - Immigration Services, is leading work to develop a National Plan of Action to Combat Trafficking in Persons (NPA), aimed at ensuring New Zealand fully meets its international obligations related to trafficking in persons. The NPA incorporates processes to raise awareness of trafficking and to establish and build on relationships between government and key non-governmental stakeholders. The IWG will consult with civic society and NGOs on the NPA in early 2008. It is anticipated that the NPA will be completed by the end of 2008.

-- The government released an Action Plan for New Zealand Women in 2004. The plan was developed by the Ministry of Women's Affairs in consultation with public sector agencies, NGOs, and civil society

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groups. Although the Plan does not directly address anti-trafficking measures, its objectives address social and economic factors that give rise to trafficking.

-- The government has allocated 7.8 million NZD (6.25 million USD) over the next five years towards implementing a new Recognized Seasonal Employer Policy (RSE), to fill labor shortages in the agriculture industry. Among other things, it aims to encourage legal and controlled migration to New Zealand from within the Pacific region, and reduce incentives for illegal migration (i.e., people smuggling and trafficking).

-- The government adopted enhancements to the government's anti-trafficking efforts (discussed in detail below).

-- In 2007, the government implemented a smuggling/trafficking indicators profile (called Advance Passenger Screening), which is used to profile to monitor travelers coming to New Zealand who are potential trafficking victims. Between April 1, 2007 to February 29, 2008 the Department of Labour - Immigration prevented 52 malafide travelers from entering the country by using this system (38 with false passports and 14 for other reasons). No trafficking cases have been identified through offshore border profiling to date.

-- The government continues to play an active role in international and regional fora (such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime) established to develop collaborative measures to combat trafficking. In 2007, the government hosted in Wellington a Bali Process Workshop on Enabling Electronic Exchange of Lost & Stolen Travel Document Information.

-- The government contributed to the annual Regional Transnational Organised Crime Assessment, which was submitted to the Pacific Island Forum (PIF) through the Pacific Immigration Directors Conference (PIDC) in 2007. The PIDC, which is comprised of 23 Pacific nations including New Zealand, also submitted its annual

People Smuggling, Human Trafficking and Illegal Migration report to the PIF.

-- In 2006 the government initiated the Pacific Regional Immigration Identity Project (PRIIP) in partnership with other Pacific Island nations to better detect, measure, investigate and prevent the use of identity fraud (and thereby trafficking) within the Pacific region.

-- In 2003 the government became a member of the International Organization for Migration (IOM) and continues to consult with IOM in developing New Zealand's National Plan of Action to Prevent Trafficking in Persons.

-- The government is also a member of the Intergovernmental Consultations on Migration, Asylum and Refugees (IGC), an informal non-decision making forum that meets to exchange information, practical approaches, and policy debate on issues relevant to the management of migratory flows (to include trafficking).

-- In 2005, New Zealand joined Australia and the United States as a full participant in the APEC Regional Movement Alert System (RMAS) which facilitates the automated checking of passport details to assist in detecting valid, lost and stolen passports and to deter trafficking.

-- C. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Department of Labour - Immigration has the lead role in NZ's anti-trafficking efforts. The Department of Labour - Immigration, the New Zealand Police, the NZ Customs Service, and the Ministry of Justice have responsibility for enforcement and prosecution of the law. Trafficking issues are also covered by other agencies such as the Ministry of Foreign Affairs and Trade, the Ministry of Women's Affairs and the Ministry of Social Development. The independent Human Rights Commission also participates to a limited degree.

-- D. What are the limitations on the government's ability to

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address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The government is not constrained by fiscal or other resources in addressing human trafficking issues. NZ has the advantage of not sharing a common border with another nation, so entry into the country is only by air or sea. NZ's remote geographical location makes it very difficult to traffick from the sea, so resources can be targeted at the appropriate air entry locations.

The government uses several agencies in its anti-trafficking efforts, including Police, Immigration, Customs and the Armed Forces. The Armed Forces monitors international waters and NZ's Exclusive Economic Zone for vessels bound for NZ; Customs and Immigration concentrate on the territorial sea and on border entry points.

Overall corruption was not a problem. New Zealand has a number of legislative, administrative, and enforcement measures in place to prevent bribery and corruption. NZ is ranked first with Finland in the most recent Transparency International Corruption Perception Index.

The government provides and funds an extensive network of victim support and social services for victims of crimes, to include victims of trafficking. That network is sufficient to assist victims of trafficking if a case of trafficking were to occur.

-- E. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

In 2001, the government released a document titled "Protecting Our Innocence - New Zealand's National Plan of Action Against the Commercial Sexual Exploitation of Children." ECPAT and the government completed a joint review of the plan and an assessment of the progress made in reaching the objectives of the plan. That report was published in 2006.

The Prostitution Reform Act (PRA) established the Prostitution Law Review Committee (PLRC) to review the operation of the PRA and its impact on the commercial sex industry. The PLRC will publish its report in mid-2008.

The government is currently in the process of developing the NPA, which will involve all interested government agencies, NGOs and civil society groups. One of the facets of the NPA is to review, refine and enhance the government's present strategies and framework, including its monitoring and evaluation strategies, to strengthen its anti-trafficking efforts.

The government's efforts to prevent trafficking are also reported within the Bali Process, as well as at relevant UN meetings.

128. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Does the country have a law specifically prohibiting trafficking in persons -- both for sexual and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment and provide the exact language of the law prohibiting TIP and all other law(s) used to prosecute TIP cases. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are these other laws being used in trafficking cases? Please provide a full

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inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt).

New Zealand has adopted the definition of trafficking set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. That definition only covers transnational forms of trafficking. Other than this notable difference with U.S. law, the New Zealand legislation is comprehensive and covers all aspects of trafficking, including reception, concealment or harboring of persons. Measures to punish domestic trafficking, such as abduction, assault, kidnapping, rape and engaging underage prostitutes, are covered in other New Zealand legislation.

The key legislative provisions are found in Part 5 of the Crimes Act 1961. The relevant provisions are sections 98 (dealing in slaves), 98A (participation in organized criminal group), 98B (definitions), 98C (smuggling migrants), 98D (trafficking in persons), 98E (aggravating factors), and 98F (Attorney-General's consent required).

Section 98 of the Crimes Act 1961 makes dealing in slavery an offense. Sections 98A, 98C and 98D are offenses for which a person may be extradited from a country with which New Zealand has an extradition treaty.

In 2005, the government added section 98AA to comply with New Zealand's obligations under the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography. It establishes an offense for dealing in people less than 18 years for sexual exploitation, removal of body parts, or engagement in

forced labor.

Section 16 of the Prostitution Reform Act 2003 prohibits inducing or compelling persons to provide commercial sexual services or earnings from prostitution.

In February 2002, New Zealand passed legislation criminalizing human smuggling and trafficking. The Transnational Organized Crime Bill was adopted on June 17, 2002 as an amendment to the Crimes, Extradition, Immigration, Passports and Mutual Assistance in Criminal Matters Amendment Acts.

In addition, the Crimes Act prohibits sexual conduct with children both within and outside NZ (section 144A), and criminalizes the organization or promotion of child sex tours (section 144C).

The government has introduced legislation into the House of Representatives that would establish a civil forfeiture law. The Criminal Proceeds (Recovery) Bill is currently before a select committee and would authorize the government to seize instruments used in, or the proceeds derived from, all of the crimes listed above.

-- B. What are the prescribed penalties for trafficking people for sexual exploitation? What penalties were imposed for persons convicted of sexual exploitation over the reporting period? Please note the number of convicted sex traffickers who received suspended sentences and the number who received only a fine as punishment.

The penalty for offenses relating to all types of trafficking is contained in section 98D of the Crimes Act 1961 and imposes a term of imprisonment not exceeding 20 years, a fine not exceeding USD 400,000 (NZD 500,000) or both.

No penalties have been imposed under this law because there have been no prosecutions.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor

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recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being trafficked in the destination country? Are there laws in destination countries punishing employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses? Please note the number of convicted labor traffickers who received suspended sentences and the number who received only a fine as punishment.

In 2002, the government added sections 98A-98F into the Crimes Act in order to implement of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Convention against Transnational Organized Crime.

Section 98C prohibits the smuggling of unauthorised migrants into New Zealand or any other country. Section 98D prohibits the trafficking of persons into New Zealand or any other country.

In 2005, the government added section 98AA to comply with New Zealand's obligations under the Optional Protocol to the Convention on the Sale of Children, Child Prostitution and Child Pornography. It prohibits the use of people less than 18 years in forced labor. The scope of 98AA is broad and covers not only the selling, bartering, transferring, hiring or renting of a person under 18

years of age, but also prohibits:

- engaging or permitting a person under 18 years to be engaged in forced labour,
- detaining or confining a person for any of the specified purposes;
- receiving, transporting, removing or importing a person for any of the specified purposes;
- inducing a person who is under 18 years (or the guardian or caregiver of such a person) to sell, rent, or give himself or herself for any of the specified purposes.

Violations of section 98 carries a maximum penalty of 20 years imprisonment and/or a fine not exceeding USD 400,000 (NZD 500,000), with the exception of 98AA, which carries a maximum penalty of 14 years imprisonment.

The Immigration Act 1987 (section 39A) prohibits employer exploitation of illegal migrants within New Zealand and carries a maximum penalty of seven years imprisonment and/or a fine of USD 80,000 (NZD 100,000).

The government proposed a new immigration bill before Parliament in August 2007. Among other things, the bill would make it a crime to:

- exploit persons not legally entitled to work in New Zealand by failing to comply with minimum employment standards regarding wages, holiday pay or wage deductions (reinforces existing law in section 39A of the Immigration Act 1987, above); and
- prevent a person from obtaining their legal entitlements, or force a person to leave his/her employment or country through such means as confiscating passports, tickets or travel documents, preventing outside communication or keeping him/her confined to the workplace.

The maximum penalty for such crimes would be seven years imprisonment and/or a fine of USD 80,000 (NZD 100,000).

As noted in 28-F below, in 2007 the government prosecuted five persons for crimes relating to labor exploitation, resulting in two convictions to date (one to 27 months incarceration and the other to 21 months home detention). In 2006, the prosecution of one person resulted in an 18-month prison sentence; and in 2005, one person was

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sentenced to a four and one-half year prison sentence.

- D. What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed penalties for crimes of trafficking for commercial sexual exploitation?

Sexual violation (i.e., rape or sexual contact) of an adult is punishable by a term of imprisonment not to exceed 20 years and differs from the penalties for trafficking in the following respects:

- Unlike trafficking convictions, it does not carry a potential monetary fine.
- The minimum sentence for a sexual violation is 8 years. There is no minimum sentence for trafficking offenses.
- A person who has been convicted of sexual violation may be detained without bail ("preventive detention") if the offender has a history of sexual offenses or poses a risk to the community. A person who is convicted of a trafficking offense is not eligible to be placed in preventive detention.

Sexual violation of a child carries a maximum potential penalty of:

- Ten years if the child is under 16 years of age; and
- Fourteen years if the child is under 12 years of age.

-- E. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Although prostitution in NZ is decriminalized, law enforcement officers possess a broad range of powers to ensure that the PRA is complied with. The PRA is designed to ensure that sex workers are not exploited or subject to adverse employment conditions. The PRA prohibits persons under 18 years of age and foreign nationals from working in the commercial sex industry. Other parties involved in the activities may be prosecuted if they fail to comply with the law. Prosecutions may follow where there is a lack of consent or the person is induced or compelled to provide commercial sexual services or earnings.

The PRA also prohibits a client from engaging a person under the age of 18. In such cases, the defendant has the burden of proving that they took adequate steps to ascertain whether the person was over 18 years. It is not an offense for a person under the age of 18 to provide commercial sexual services; they are instead considered victims under the PRA.

The PRA provides that no immigration permit may be granted to a person who has provided or intends to provide commercial sexual services; has acted or intends to act as an operator of a business of prostitution; or has invested in or intends investing in a business of prostitution. It is also a condition of every temporary immigration permit or limited purpose permit that the holder may not while in New Zealand provide commercial sexual services, act as an operator of a New Zealand business of prostitution or invest in a New Zealand business of prostitution.

The PRA repealed the offenses of brothel keeping and living off the proceeds of prostitution. However, brothel owners/operators may be charged with the following offenses under the PRA: using persons under 18 years of age; providing sexual services where there is a lack of consent; inducing or compelling a person to provide commercial sexual services or earnings; or failing to meet obligations under the Health and Safety in Employment Act 1992 (including but not limited to safe sex practices).

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If a brothel owner/operator uses a person under 18 years of age, he or she is also subject to penalties under the Crimes Act for sexual exploitation of a person under 18 years of age.

Various provisions of the Crimes Act might also apply where: there is violence, or threats of violence or damage to property; or a person abducts or kidnaps a person with the intent to have sexual contact.

-- F. Has the government prosecuted any cases against human trafficking offenders? If so, provide numbers of investigations, prosecutions, convictions, and sentences served, including details on plea bargains and fines, if relevant and available. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate by type of TIP (labor vs. commercial sexual exploitation) and victims (children, as defined by U.S. and international law as under 18 years of age, vs. adults). Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers'

passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced? If not, why not? Please indicate whether the government can provide this information, and if not, why not?

No prosecutions have been brought under the NZ's anti-trafficking laws to date, as no evidence of trafficking (under New Zealand's definition) has been found during the course of government investigations. However, the government has prosecuted and convicted individuals under the Prostitution Reform Act (PRA) for using children in prostitution. In addition, the government conducted compliance visits within brothels to check for underage sex workers and foreign nationals working as prostitutes (both of which are prohibited under the PRA).

For the period between June 2006 and December 2007 (the most recent figures available), the government made 76 compliance visits to brothels. During those visits authorities found 92 foreign nationals working illegally in the sex industry. Of those, the government revoked 47 entry permits (the holders then departed NZ or were deported) and 33 persons without entry permits either departed NZ or were deported. The 12 remaining holders of entry permits (some of them students) were allowed to remain in New Zealand on humanitarian grounds or given a second chance.

Since the PRA came into force in June 2003 until January 2008, 97 charges have been filed under the various PRA provisions relating to the illegal operation of brothels. Ninety-four of those charges related to the illegal use of persons under 18 years of age in prostitution.

Prosecutions of brothel owners/operators since adoption of the PRA in 2003 have risen over the years. In 2004 (the first full year under the PRA), there were 36 prosecutions. This reflected the initial Police effort to enforce compliance under the new legislation. Prosecutions then tapered to nine in 2005, but have increased every subsequent year to 13 in 2006, and 31 in 2007. There were three prosecutions in January 2008.

Twenty-five of the 97 charges resulted in convictions; 41 cases are still active. The remaining 56 charges were either withdrawn, the accused was acquitted or the charges were otherwise not proven. Of the 25 convictions, five were placed in custody, 12 were sentenced to community work, two were placed under supervision, three were given monetary fines, and three were discharged.

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In January 2008, the Department of Labour charged 16 Auckland youths with working in the commercial sex business, following a coordinated sweep by the Department of Labour and the NZ Police. Under the PRA, these youths were not prosecuted as criminals, but rather treated as victims.

There have been recent developments in two longstanding prosecutions involving the use of underage prostitutes in Christchurch. On February 11, 2008 a defendant accused of "using persons under 18 years of age" (a 14-year-old girl and a 16-year-old girl) to provide sexual services in his brothel in 2005 was sentenced to one year home detention. On the same day, another defendant was found guilty of facilitating and assisting in the hiring of an underage prostitute, with sentencing scheduled for March 17.

With respect to investigating underage prostitution, Police may legally ask any person for identity and age, but there is no requirement that persons carry proof of identity or age in New Zealand. Police always have the option to take an unaccompanied child into custody for questioning if Police determine that it is necessary for the physical or mental health of the child or if the child is impaired. In addition, since many child prostitutes do not see themselves as victims and do not cooperate with Police, Police may find it difficult to indict violators. Despite these

difficulties, Police do not consider them to be undue impediments to their ability to identify underage sex workers. In fact, according to Police, the PRA has allowed them to have greater contact with local prostitutes and more likely to hear about underage sex workers or anyone who is being coerced into prostitution.

The Police are able to enter a brothel and make a compliance investigation after obtaining a warrant to do so - the same rule that governs Police entry into any business. The PRA has not limited Police ability to investigate possible illegal activities associated with brothels when Police have found it necessary to do so. In addition, if a violation of immigration law is suspected, a police officer (who is also an immigration officer under the PRA) can enter a brothel without a warrant.

Even though there have been no prosecutions relating to labor exploitation under New Zealand's transnational anti-trafficking laws, the government employs an extensive statutory regime to protect workers from exploitation and from working in unsafe or unhealthy work environments, which applies to all workers employed in New Zealand, whether or not they are legally entitled to be in New Zealand.

The overall framework for employment relations is contained in the Employment Relations Act 2000, which sets provisions for bargaining, freedom of association, bargaining, personal grievance rights and procedures for employment problem resolution. The Health and Safety in Employment Act 1992 establishes the framework for occupational safety and health in workplaces.

In 2007, the Department of Labour prosecuted five persons for helping or enticing illegal workers to stay in NZ for material gain (in violation of the Immigration Act). The workers in this case jumped ship from Korean fishing vessels (where they were allegedly exploited and mistreated) while in NZ and were employed by the defendants to perform agricultural work and again exploited. The victims were charged substantial "fees," wages were often withheld or paid minus substantial "expenses," and working conditions were sometimes deplorable. Thus far, two of the defendants have been convicted and sentenced: a Vietnamese national, who helped the workers jump ship and then facilitated their work within New Zealand, was sentenced to 27 months incarceration; another Vietnamese national who was involved in exploiting the workers after their arrival was sentenced to 21 months home detention.

In 2006, the Department of Labour prosecuted an Indonesian national for helping or enticing illegal workers to stay in NZ for material gain (another "ship-jumping" case). He was jailed for 18 months.

In 2005, the Department of Labor prosecuted an Indonesian national for arranging workers to come into New Zealand from Indonesia with

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false passports. He is currently serving a four and one-half year prison sentence.

-- G. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

Within the reporting period, the government initiated training for Immigration Compliance officers on identifying indicators of trafficking and trafficking victim interviewing techniques. The government has not yet determined whether to continue that training in the future.

A part of the NPA will assess the training that enforcement agencies currently provide and will explore options for coordinating training programs between agencies.

The New Zealand Customs Service has a formal Memorandum of Understanding with the New Zealand Police that covers information sharing, joint operations and joint training opportunities. The Department of Labour - Immigration New Zealand has a similar

arrangement with the New Zealand Police.

--H. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking during the reporting period?

The Mutual Assistance in Criminal Matters Act 1992 sets out a process that allows New Zealand to co-operate with other governments in the investigation and prosecution of criminal activities, including trafficking, without the need for bilateral mutual legal assistance treaties. The Act sets out the extent to which New Zealand is able to request or provide assistance. The New Zealand government is able to provide assistance in a number of areas including the gathering of evidence, identifying and locating persons, and executing warrants. The New Zealand Police also provide informal assistance to counterparts around the world through Interpol channels.

New Zealand has not made or received any requests relating to trafficking under this act to date.

-- I. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited during the reporting period? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Trafficking is an extraditable offence under New Zealand's Extradition Act 1999 which allows New Zealand to extradite offenders. New Zealand has never received a request to extradite or otherwise surrender a person charged with a trafficking offense.

New Zealand's Extradition Act 1999 reserves the government's right to refuse extradition of a New Zealand national. Despite this, the government has not, as a matter of general practice, refused to extradite New Zealand nationals.

-- J. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

There is no evidence of government involvement in or tolerance of trafficking.

-- K. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in

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trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, were given a fine, fired, or reassigned to another position within the government as punishment. Please provide specific numbers, if available. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

N/A

-- L. As part of the new requirements of the 2005 TVPRA, for countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking or who exploit victims of such trafficking.

There is no evidence that New Zealanders engaged in peacekeeping or similar missions have been involved in trafficking or related activities.

-- M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

New Zealand has extraterritorial coverage under 144A of the Crimes Act of 1961 with respect to child sexual abuse laws and New Zealand has cooperated in the prosecution of New Zealand citizens who have engaged in child sex tourism overseas. It is also an offense under section 144C of the Crimes Act 1961 to organize or promote child sex tours.

According to a 2007 study by John Hopkins University on international child sex tourism, there have been three NZ citizens convicted of sex tourism in those countries considered to be "primary countries of destination:" Two in Thailand (2005); and one in Cambodia (2004).

Since 2002, there have been two persons charged within New Zealand for the crime of sexual conduct with a child that occurred outside New Zealand. One person was convicted (in 2007) and sentenced to a term of 820 days imprisonment. The charge against the other person was withdrawn.

Both ECPAT and Stop Demand (an anti-prostitution NGO) have expressed concern that the government has not directed additional resources toward enforcement of sex tourism laws. ECPAT pointed out that NZ has only one officer assigned in Bangkok to cover the entire Asia, Southeast Asia and Pacific Island region with respect to trafficking and sex tourism. At the same time, ECPAT acknowledged that NZ, being a relatively small country with a relatively small problem, has difficulty justifying additional resources for that purpose.

ECPAT previously noted that countries with similar extra-territorial legislation on child sex tourism (Canada, Australia and the United Kingdom) featured information on their extraterritorial legislation on their government travel advisory websites. New Zealand has, within the reporting period and at the urging of ECPAT, added such information to its travel webpage as well.

129. PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so,

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please explain.

The Victims' Rights Act 2002 makes a number of victims' rights accessible to foreign trafficking victims. Such rights include the right to be informed of services (such as physical and mental health services, legal services, social welfare, and counseling) and access to remedies.

Temporary entry permits, including limited purpose entry permits (to testify in court, for example), can also be provided to victims of trafficking in individual cases.

-- B. Does the country have victim care facilities which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Does the country have specialized facilities dedicated to helping victims of trafficking? If so, can you provide the number of victims placed in these care facilities during the reporting period? What is the

funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided, and the number of victims assisted, if available.

The New Zealand Council of Victim Support Groups provides 24-hour emotional support, personal advocacy and information to all people affected by crime and trauma throughout New Zealand. Victims with special needs, such as emotional support or counseling are be referred by relevant authorities to the specialist provider of care services.

The New Zealand government is unaware of any situation where a person accessing these services or facilities has claimed to be a victim of trafficking. However, the government has put in place measures to ensure that there are services available for young persons who are involved in or at risk of all forms of commercial sexual exploitation.

-- C. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided is in-kind, please specify exact assistance. Please explain if funding for assistance comes from a federal budget or from regional or local governments.

NZAID is the government agency responsible for managing New Zealand's official development assistance. In line with its human rights policy, NZAID supports activities to combat human trafficking through its contributions to the following entities (all funds from the NZ federal budget):

-- USD 160,000 (NZD 200,000) to the Asia Pacific Forum of National Human Rights Institutions in 2007/08.

-- USD 320,000 (NZD 400,000) to the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (participating countries are: Cambodia, China, Lao, Myanmar, Thailand, and Vietnam).

The government also contributed or dedicated USD 10.9 million (NZD 13.6 million) for the period 2007 to 2009 to organizations which, as a part of their mandate, work to detect or prevent trafficking or provide assistance to trafficking victims. Those organizations include UNICEF, UNFPA, OHCHR AND UNIFEM.

The government also supported a wide range of human rights NGOs, including the NZPC, which provided services to commercial sex workers, some of whom may have been trafficked.

-- D. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-

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risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? What is the number of victims identified during the reporting period? Has the government developed and implemented a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care? How many victims were referred for assistance by law enforcement authorities during the reporting period?

Immigration officers have received training on anti-trafficking legislation and its implementation, including the necessity of providing victims with information on social services. There are processes in place for conducting humanitarian interviews with potential victims and coordinating with the New Zealand Police and other social services agencies.

No victims were identified during the reporting period.

1E. For countries with legalized prostitution: does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

New Zealand has decriminalized prostitution. Nevertheless, law enforcement personnel, including immigration officers, regularly inspect brothels to ensure that persons working in the industry are not foreign nationals in New Zealand on temporary permits. In the course of carrying out these inspections, officers also screen for victims of trafficking, to include underage sex workers.

-- F. Are the rights of victims respected? Are trafficking victims detained or jailed? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

The government is conscientious about protecting victims' rights, including potential trafficking victims. In any trafficking case, the government tries to obtain the victims' collaboration, ensure their accommodation needs are met, and issue temporary permits where appropriate to enable them to remain lawfully in New Zealand and to serve as legal witnesses if needed.

The Victims' Rights Act 2002 provides specific statutory recognition to the role of victims in the criminal justice system. The Act provides that government officials in the criminal justice system should treat victims with courtesy, compassion, and respect for their personal dignity and privacy; should offer access to counseling and social services; and should inform victims and their families of the progress of the criminal proceedings that he or she is involved in, the charges laid, the victim's role as a prosecution witness, the date and place of certain events surrounding hearings, and the final disposition of proceedings. Any information that should be given to the victim can be given to a support person when the victim cannot receive it or is not capable alone of understanding it.

When the government finds underage young persons engaged in the commercial sex business, it considers them victims rather than criminals. The government has put in place measures to ensure that there are support services available for young persons who are involved in, or at risk of, commercial sexual exploitation.

-- G. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

The government's victim response mechanisms have not yet been tested

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by a case of trafficking. As previously noted, the Victims Rights Act provides specific statutory recognition of the rights of victims. In the development of the National Plan of Action and through consultations with NGOs, the government is developing strategies to ensure that the specific interests and needs of trafficking victims are taken into account.

If the government becomes aware of an instance of trafficking, its policy is to take steps to solicit the cooperation of the victim so long as this does not jeopardize the success of the investigation. Although the government would have an interest in persuading the victim to remain, the government would not seek to prevent a victim of trafficking from leaving the country if the person desires to leave of her/his own volition.

Where a person has been convicted of an offense, he or she may be ordered to make reparation to the victim. The court must consider reparation in all cases and must impose it unless satisfied that it would result in undue hardship for the offender or the dependents of the offender, or because of any other special circumstances.

For example, in 2000 the Human Rights Commission successfully represented a Thai sex trafficking victim to the New Zealand Disputes Tribunal, and the victim recovered the NZD 6000 she paid traffickers for what she believed would be restaurant work.

-- H. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Are these services provided directly by the government or are they provided by NGOs or IOs funded by host government grants? Does the government provide shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? What is the number of victims assisted by government-funded assistance programs during the reporting period? What is the number of victims assisted by non government-funded assistance programs? What is the number of victims that received shelter services during the reporting period?

As stated previously, the government's victim response mechanisms have not yet been tested by a case of trafficking. However, existing social welfare system and victim assistance programs suggest that trafficking victims would be sheltered and protected as witnesses.

-- I. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs and IOs that serve trafficked victims? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the level of assistance. For example, did the host government provide travel documents for the victim to repatriate, did the host government contact NGOs in either the source or destination countries to ensure the victim received adequate assistance, did the host government pay for the transportation home for a victim's repatriation, etc.

Immigration officers have received training on anti-trafficking legislation and its implementation, including the necessity of providing victims with assistance and information on social services.

Representatives of the Department of Labour and the Human Rights Commission have participated in and conducted numerous training workshops in recognizing victims and perpetrators of

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trafficking. The government is an active participant in international fora concerning human trafficking, including the Bali Process and the Asia Pacific Forum of National Human Rights Institutions.

The Department of Labour's Immigration Service has conducted border control training workshops and document examination training for the immigration and border control staff of countries in the Asia Pacific region. The Immigration Service has also provided passenger screening training to staff of airlines serving New Zealand and the Pacific.

Senior detectives from New Zealand Police received specialized

training at the Australian Federal Police Trans-National Sexual Exploitation Investigation Program in May 2007. This three-week investigator's training course covered human trafficking (sexual servitude and child sex tourism) from legislation, investigation, prosecution, NGO, and victim support perspectives. New Zealand Police are examining how aspects of this training course can be incorporated into future training for their investigators.

Government diplomats assigned to places where trafficking is likely to occur or where NZ works closely with other governments on trafficking (Bali Process countries, those working at the UN, or other relevant organizations such as IOM) receive a briefing on trafficking issues before departing for their assignment.

-- J. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

To date, the government has not had to provide assistance to repatriated nationals who have been victims of trafficking, as there have been no known trafficking victims who were New Zealand citizens. If there were a need, the government possesses the means and is prepared to assist such victims.

-- K. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? How much funding (in U.S. Dollar Equivalent) did NGOs and international organizations receive from the host government for victim assistance during the reporting period? Please disaggregate funding for prevention and public awareness efforts from victim assistance funding. NOTE: If post reports that a government is incapable of providing direct assistance to TIP victims, please assess whether the government ensures that TIP victims receive access to adequate care from other entities. Funding, personnel, and training constraints should be noted, if applicable. Conversely, the lack of political will in a situation where a country has adequate financial and other resources to address the problem should be noted as well.

The government works closely with ECPAT, the New Zealand Prostitutes Collective (NZPC), and the Salvation Army. The government is also a member of the International Organization for Migration (IOM), which deals with matters relating to trafficking, including counter trafficking. New Zealand works with IOM on resettlement movements and consular services (verification of documentation).

There has been no government funding to NGOs specifically for trafficking victims as, according to the government, there have been no trafficking victims to date. However, an existing framework of government and NGO-provided services is available for trafficking victims, to include transnational trafficking victims, underage sex workers, and exploited illegal migrant farm workers.

130. PREVENTION:

-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

The government acknowledges that transnational trafficking is a potential problem, and it is vigilant to detect and address any

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trafficking that may occur. As stated above, the government's definition of trafficking does not take into account various forms of domestic exploitation which, it admits, is a limited problem. Nevertheless, the government actively attempts to prevent such exploitation under other laws (those dealing with the abuse and exploitation of children and of workers).

-- B. Are there, or have there been, government-run anti-trafficking information or education campaigns conducted during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness.

Please provide the number of people reached by such awareness efforts if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

There have been no government-run anti-trafficking information and education campaigns targeting transnational trafficking, underage prostitution or exploitation of migrant workers during the reporting period. However, the government plans to raise awareness of trafficking issues as part of the strategy for launching the National Plan of Action, later in 2008.

The government (through the Ministry of Social Development) currently funds one information and support project for transgender youth who desire to exit the commercial sex industry. This project, operated by the Mangere East Family Center (MEFC) in Auckland, targets only transgender youth because, according to the MEFC, there are other information resources available for "straight" underage sex workers through the public school system (where they are more likely to be found, compared to transgender youth).

-- C. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

Government officials from a wide range of agencies work closely with NGOs and civil society groups on this issue and have done so for several years. There have been a number of joint initiatives, such as the 2001 National Plan of Action Against the Commercial Sexual Exploitation of Children, joint working groups to respond to concerns about the potential for women and girls being trafficked into New Zealand and held in debt bondage, and the 2005 National Plan of Action to Combat Trafficking (NPA). The government plans to invite NGOs and civil society groups to attend consultation meetings as the government develops the NPA.

NGOs such as ECPAT and Stop Demand desire more government resources and effort in the fight to prevent and detect trafficking (particularly underage sex workers), even though these NGOs agree that the estimated number of trafficking victims is small.

-- D. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

The government regularly monitors immigration and emigration patterns and conducts onshore and off-shore passenger screening as an integral element of detecting and preventing trafficking. The Government has in place an Advance Passenger Processing (APP) system that requires airlines to identify passengers who may be seeking to enter New Zealand illegally before they embark on an aircraft.

In countries that are considered to be a high-risk source of trafficked victims and where a visa is required to travel to New Zealand (Taiwan, Thailand and mainland China), the New Zealand immigration officials focus special attention on the detection of trafficking during the visa approval process. Immigration officials also coordinate closely with Australian immigration officials, who have the same concerns in their country.

In countries that are considered to be a high-risk source of trafficked victims but where a visa is not required to travel to New Zealand (such as Hong Kong and Malaysia), immigration officials

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rely on APP to help target likely trafficking victims for special scrutiny.

New Zealand also participates in the APEC Regional Movement Alert System (RMAS) which allows for the automated checking of passport details (of those countries participating in RMAS) and assists in detecting invalid, lost and stolen passports.

-- E. Is there a mechanism for coordination and

communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

The Department of Labour - Immigration leads the government's Inter-agency Working Group (IWG) on trafficking-related issues. The IWG is comprised of the Police, the Customs Service, the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Ministry of Social Development, the Ministry of Health, and the Ministry of Women's Affairs.

The Customs Service has a formal Memorandum of Understanding (MOU) with the Police that covers information sharing, joint operations and joint training opportunities, which includes trafficking-related issues. The Department of Labour - Immigration has a similar arrangement with the Police.

The government has a number of legislative, administrative, and enforcement measures in place to prevent bribery and corruption. While no single agency is charged with the task of dealing with corruption, there are a number of agencies that fulfill specific tasks. The core government Ministries and agencies include: Police, Financial Intelligence Unit; Serious Fraud Office; Office of the Ombudsmen; Inland Revenue; the Office of the Controller and Auditor-General, Department of Internal Affairs and State Services Commission. There are other agencies as well, such as the Ministry of Justice, which leads policy initiatives against corruption and bribery.

New Zealand is perceived to be one of the world's two least corrupt countries (along with Finland) according to the annual survey by Transparency International. The index defines corruption as the abuse of public office for private gain and measures the degree to which corruption is perceived to exist among a country's public officials and politicians.

-- F. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

The government is developing a comprehensive NPA which will supplement already existing national plans of action as previously mentioned. The government agencies involved are the Department of Labour, the Police, the Customs Service, the Department of the Prime Minister and Cabinet, the Ministry of Women's Affairs, the Ministry of Justice, the Ministry of Foreign Affairs & Trade, the Ministry of Health, and the Ministry of Social Development.

NGOs are participating in and contributing to the development of the NPA, where the government is aiming to create an effective partnership between government agencies and NGOs to assist any future identified victims of trafficking.

In order to maximize the effectiveness and impact of the NPA, the government plans a comprehensive promotion and publicity strategy that will circulate the NPA widely and make it publicly available. Access to the document will also be possible through Government web-sites. The government will also publicize the NPA through ministerial press conferences and media releases.

-- G: For all posts: As part of the new criteria added to the TVPA's minimum standards by the 2005 TVPRA, what

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measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (see ref B, para. 9(3) for examples

With the decriminalization of prostitution in 2003, the government has taken action to reduce the demand for illegal sex acts - i.e., with underage sex workers and foreign nationals who have entered the

country illegally.

The government's goal in decriminalizing prostitution was to promote the human rights, welfare and occupational health and safety of sex workers, rather than to reduce the demand for commercial sexual services. The PRA established the Prostitution Law Review Committee (PLRC), whose function is to review the operation of the PRA and its impact on the sex industry. The Committee is also tasked with assessing the nature and adequacy of the means available to assist persons to avoid or cease work in the sex industry. The Committee will present its final report to the Minister of Justice in mid-2008.

-- H. Required of Posts in EU countries and posts in Canada, Australia, New Zealand, Japan, China, Singapore, South Korea, Taiwan, and Hong Kong: As part of the new criteria added to the TVPA's minimum standards by the 2005 TVPRA, what measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

As noted previously in 28-M above, the government has extraterritorial coverage under section 144A of the Crimes Act 1961 (relating to child sexual abuse).

It is also an offence under section 144C of the Crimes Act 1961 to organize or promote child sex tours. There have been no prosecutions brought under this section in the period 2002 to 2008.

Countries with similar extra-territorial legislation on child sex tourism (Canada, Australia and the United Kingdom) featured information on their extraterritorial legislation on their government travel advisory websites. New Zealand has, within the reporting period and at the urging of ECPAT, added such information to its travel webpage as well.

-- I. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Denmark, Egypt, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jordan, Kenya, Malawi, Malaysia, Mali, Mongolia, Morocco, Namibia, Nepal, the Netherlands, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Tanzania, Togo, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Zambia, and Zimbabwe): What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking?

While not specifically mentioned above, New Zealand does have more than 100 peacekeeping troops serving in Timor-Leste and Afghanistan.

Personnel of the New Zealand Defence Force (NZDF) are obligated to comply with the NZDF Code of Conduct. Included in the Code of Conduct card, that is issued to each member of the NZDF, is an extract of the Laws of Armed Conflict which incorporates the requirement to: "Treat all Civilians and persons deprived of their liberty humanely, protect them from abuse, and respect their property"

The government has no evidence to suggest that NZDF personnel engaged in Timor-Leste, Afghanistan or similar missions have been involved in trafficking or related activities. In the event that evidence of such activity would be discovered, the government would

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regard that activity as a crime under New Zealand law. The NZDF Discipline Act 1971 makes all offences under NZ Law applicable to members of the NZDF, wherever they may be assigned. Prior to deployment into mission areas all NZDF personnel undergo pre-deployment training (PDT). PDT prepares the service member for

operations in the specific mission area, and includes briefings on cultural and legal issues. Specific in-theatre briefings also occur on deployment.

End Responses

[¶](#)2. (U) Embassy POC for trafficking in persons issues is Political Officer Gary Rex, telephone (644)462-6043, fax (644)472-3537.

[¶](#)3. (U) Post estimates that Rex spent 80 hours in preparation of the TIP report response cable.

MCCORMIC